

# Senate Study Bill 1102

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC HEALTH BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the licensing and regulation of plumbers,  
2 mechanical professionals, and contractors, and including an  
3 applicability provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1147DP 83  
6 jr/rj/14

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1 1 Section 1. Section 105.1, Code 2009, is amended to read as  
2 follows:

1 3 105.1 TITLE.

1 4 This chapter may be known and cited as the "Iowa Plumber,  
1 5 ~~and Mechanical Professional, and Contractor~~ Licensing Act".

1 6 Sec. 2. Section 105.2, subsections 2, 7, and 8, Code 2009,  
1 7 are amended to read as follows:

1 8 2. "Board" means the plumbing and mechanical systems

1 9 ~~examining~~ board as established pursuant to section 105.3.

1 10 7. "HVAC" means heating, ventilation, ~~and~~ air conditioning  
1 11 ~~in, and~~ ducted systems. "HVAC" includes all natural, propane,  
1 12 liquid propane, or other gas lines associated with any  
1 13 component of an HVAC system.

1 14 8. "Hydronic" means a heating or cooling system that  
1 15 transfers heating or cooling by circulating fluid through a  
1 16 closed system, including boilers, pressure vessels,  
1 17 refrigerated equipment in connection with chilled water  
1 18 systems, all steam piping, hot or chilled water piping  
1 19 together with all control devices and accessories, installed  
1 20 as part of, or in connection with, any comfort heating or  
1 21 comfort cooling system or appliance using a liquid, water, or  
1 22 steam as the heating or cooling media. "Hydronic" includes  
1 23 all low-pressure and high-pressure systems ~~and all natural,~~  
1 24 ~~propane, liquid propane, or other gas lines associated with~~  
1 25 ~~any component of a hydronic system.~~

1 26 Sec. 3. Section 105.3, subsections 1, 6, and 7, Code 2009,  
1 27 are amended to read as follows:

1 28 1. A plumbing and mechanical systems ~~examining~~ board is  
1 29 created within the Iowa department of public health.

1 30 6. Members of the board shall receive actual expenses for  
1 31 their duties as a member of the ~~examining~~ board. Each member  
1 32 of the board may also be eligible to receive compensation as  
1 33 provided in section 7E.6.

1 34 7. The board may maintain a membership in any national  
1 35 organization of state ~~examining~~ boards for the professions of  
2 1 plumbing, HVAC, refrigeration, or hydronic professionals, with  
2 2 all membership fees to be paid from funds appropriated to the  
2 3 board.

2 4 Sec. 4. Section 105.3, subsection 2, paragraph a,  
2 5 unnumbered paragraph 1, Code 2009, is amended to read as  
2 6 follows:

2 7 The ~~examining~~ board shall be comprised of eleven members,  
2 8 appointed by the governor, as follows:

2 9 Sec. 5. Section 105.4, Code 2009, is amended to read as  
2 10 follows:

2 11 105.4 RULES.

2 12 1. The board shall establish by rule a plumbing  
2 13 installation code governing the installation of plumbing in  
2 14 this state.

2 15 2. The board shall adopt all rules necessary to carry out  
2 16 the licensing and other provisions of this chapter.

2 17 Sec. 6. Section 105.5, Code 2009, is amended to read as  
2 18 follows:

2 19 105.5 APPLICATIONS FOR EXAMINATIONS.  
2 20 1. Any person desiring to take an examination for a  
2 21 license issued pursuant to this chapter shall make application  
2 22 to the board ~~at least fifteen days before the examination, on~~  
2 23 ~~a form provided by the board. The application shall be~~  
2 24 ~~accompanied by the examination fee and such documents and~~  
2 25 ~~affidavits as are necessary to show the eligibility of the~~  
2 26 ~~candidate to take the examination. All applications shall be~~  
2 27 ~~in accordance with the rules of the department and the board~~  
2 28 ~~and shall be signed by the applicant. The board may require~~  
2 29 ~~that a recent photograph of the applicant be attached to the~~  
2 30 ~~application.~~  
2 31 2. Applicants who fail to pass an examination shall be  
2 32 allowed to retake the examination at a future scheduled time.  
2 33 3. The board shall adopt rules relating to all of the  
2 34 following:  
2 35 a. The qualifications required for applicants seeking to  
3 1 take examinations, which qualifications shall include a  
3 2 requirement that an applicant who is a contractor shall be  
3 3 required to provide the contractor's state contractor  
3 4 registration number.  
3 5 b. The denial of applicants seeking to take examinations.  
3 6 Sec. 7. Section 105.10, subsection 1, Code 2009, is  
3 7 amended to read as follows:  
3 8 1. Except as provided in section 105.11, a person shall  
3 9 not ~~operate as a contractor or~~ install or repair plumbing,  
3 10 HVAC, refrigeration, or hydronic systems without obtaining a  
3 11 license issued by the board, or install or repair medical gas  
3 12 piping systems without obtaining a valid certification  
3 13 approved by the board.  
3 14 Sec. 8. Section 105.10, Code 2009, is amended by adding  
3 15 the following new subsection:  
3 16 NEW SUBSECTION. 4. The board shall adopt rules to allow a  
3 17 grace period for a contractor to operate a business described  
3 18 in subsection 2 without employing a licensed master.  
3 19 Sec. 9. Section 105.11, subsection 3, Code 2009, is  
3 20 amended to read as follows:  
3 21 3. Prohibit an owner of property from performing work on  
3 22 the owner's principal residence, if such residence is an  
3 23 existing dwelling rather than new construction and is not  
3 24 larger than a single-family dwelling, or farm property,  
3 25 excluding commercial or industrial installations or  
3 26 installations in public use buildings or facilities, or  
3 27 require such owner to be licensed under this chapter. In  
3 28 order to qualify for inapplicability pursuant to this  
3 29 subsection, a residence shall qualify for the homestead tax  
3 30 exemption. ~~The provisions of this chapter shall also not be~~  
3 31 ~~construed to prohibit an owner or operator of a health care~~  
3 32 ~~facility licensed pursuant to chapter 135C, assisted living~~  
3 33 ~~center licensed pursuant to chapter 231C, hospital licensed~~  
3 34 ~~pursuant to chapter 135B, adult day care center licensed~~  
3 35 ~~pursuant to chapter 231D, or a retirement facility certified~~  
4 1 ~~pursuant to chapter 523D from performing work on the facility~~  
4 2 ~~or require such owner or operator to be licensed under this~~  
4 3 ~~chapter.~~  
4 4 Sec. 10. Section 105.11, subsection 9, Code 2009, is  
4 5 amended to read as follows:  
4 6 9. Apply to an employee of any unit of state or local  
4 7 government, including but not limited to cities, counties, or  
4 8 school corporations, performing routine maintenance, as  
4 9 defined by rule, on a mechanical system or plumbing system,  
4 10 which serves a ~~state-owned~~ government=owned or  
4 11 ~~government=leased~~ facility while acting within the scope of  
4 12 the ~~state government~~ employee's employment.  
4 13 Sec. 11. Section 105.11, Code 2009, is amended by adding  
4 14 the following new subsection:  
4 15 NEW SUBSECTION. 11. Prohibit an owner or operator of a  
4 16 hospital licensed pursuant to chapter 135B, health care  
4 17 facility licensed pursuant to chapter 135C, assisted living  
4 18 center licensed pursuant to chapter 231C, adult day care  
4 19 center licensed pursuant to chapter 231D, or a retirement  
4 20 facility certified pursuant to chapter 523D from performing  
4 21 routine maintenance work on the facility.  
4 22 Sec. 12. Section 105.12, Code 2009, is amended to read as  
4 23 follows:  
4 24 105.12 FORM OF LICENSE.  
4 25 1. A contracting, plumbing, HVAC, refrigeration, or  
4 26 hydronic license shall be in the form of a certificate under  
4 27 the seal of the department, signed by the director of public  
4 28 health, and shall be issued in the name of the board. The  
4 29 ~~license number of the book and page of the registry containing~~

~~4 30 the entry of the license in the office of the department shall~~  
4 31 be noted on the face of the license.

4 32 2. In addition to the certificate, the department board  
4 33 shall provide each licensee with a wallet-sized licensing  
4 34 identification card.

4 35 Sec. 13. Section 105.14, Code 2009, is amended to read as  
5 1 follows:  
5 2 105.14 DISPLAY OF ~~MASTER~~ CONTRACTOR LICENSE.  
5 3 A person holding a ~~master~~ contractor license under this  
5 4 chapter shall keep the current license certificate publicly  
5 5 displayed in the primary place in which the person practices.

5 6 Sec. 14. Section 105.15, Code 2009, is amended to read as  
5 7 follows:  
5 8 105.15 REGISTRY OF LICENSES.  
5 9 The name, location, ~~and number of years of practice license~~  
5 10 ~~number, and date of issuance of the license of the each person~~  
5 11 ~~to whom the a license has been issued, the number of the~~  
5 12 ~~certificate, and the date of registration thereof~~ shall be  
5 13 entered in a registry kept in the office of the department to  
5 14 be known as the plumbing, HVAC, refrigeration, or hydronic  
5 15 registry. The registry may be electronic and shall be open to  
5 16 public inspection; however, the licensee's home address ~~of the~~  
5 17 ~~licensee, home telephone number, and other personal~~  
5 18 ~~information as determined by rule~~ shall be confidential.

5 19 Sec. 15. Section 105.16, Code 2009, is amended to read as  
5 20 follows:  
5 21 105.16 CHANGE OF RESIDENCE.  
5 22 If a person licensed to practice as a contractor or a  
5 23 plumbing, HVAC, refrigeration, or hydronic professional under  
5 24 this chapter changes ~~their~~ the person's residence or place of  
5 25 practice, the person shall so notify the department board.

5 26 Sec. 16. Section 105.17, subsection 1, Code 2009, is  
5 27 amended to read as follows:  
5 28 1. The provisions of this chapter regarding the licensing  
5 29 of plumbing, HVAC, refrigeration, and hydronic professionals  
5 30 and contractors shall supersede and preempt all plumbing,  
5 31 HVAC, refrigeration, ~~or~~ hydronic, and contracting licensing  
5 32 provisions of all governmental subdivisions.  
5 33 a. A governmental subdivision that issues licenses on July  
5 34 1, 2008, shall continue to issue licenses until June 30, 2009.  
5 35 On July 1, 2009, all plumbing and mechanical licensing  
6 1 provisions promulgated by any governmental subdivision shall  
6 2 be null and void, except reciprocal licenses as provided in  
6 3 section 105.21, and of no further force and effect.  
6 4 b. On and after July 1, 2008, a governmental subdivision  
6 5 shall not prohibit a contractor or a plumbing, HVAC,  
6 6 refrigeration, or hydronic professional licensed pursuant to  
6 7 this chapter from performing services for which that person is  
6 8 licensed pursuant to this chapter or enforce any plumbing and  
6 9 mechanical licensing provisions promulgated by the  
6 10 governmental subdivision against a person licensed pursuant to  
6 11 this chapter.

6 12 Sec. 17. Section 105.18, Code 2009, is amended to read as  
6 13 follows:  
6 14 105.18 QUALIFICATIONS AND TYPES OF LICENSES ISSUED.  
6 15 1. GENERAL QUALIFICATIONS. The board shall adopt, by  
6 16 rule, general qualifications for licensure. The board may  
6 17 consider the past felony record of an applicant only if the  
6 18 felony conviction relates ~~directly~~ to the practice of the  
6 19 profession for which the applicant requests to be licensed.  
6 20 ~~Character references~~ References may be required as part of the  
6 21 licensing process, ~~but shall not be obtained from licensed~~  
6 22 ~~members of the plumbing or mechanical profession.~~

6 23 2. PLUMBING, HVAC, REFRIGERATION, AND HYDRONIC LICENSES  
6 24 AND CONTRACTOR LICENSES. The board shall issue separate  
6 25 licenses for plumbing, HVAC, refrigeration, and hydronic  
6 26 professionals and for contractors as follows:  
6 27 a. Apprentice license. In order to be licensed by the  
6 28 department board as an apprentice, a person shall do all of  
6 29 the following:  
6 30 (1) File an application, which application shall establish  
6 31 that the person meets the minimum requirements adopted by the  
6 32 board.  
6 33 (2) Certify that the person will work under the  
6 34 supervision of a licensed journeyperson or master in the  
6 35 applicable discipline.  
7 1 (3) Be enrolled in an applicable apprentice program which  
7 2 is registered with the United States department of labor  
7 3 office of apprenticeship.  
7 4 b. Journeyperson license. In order to be licensed by the  
7 5 department board as a journeyperson in the applicable

7 6 discipline, a person shall do all of the following:

7 7 (1) File an application and pay application fees as  
7 8 established by the board, which application shall establish  
7 9 that the person meets the minimum educational and experience  
7 10 requirements adopted by the board.

7 11 (2) Pass the state journeyman licensing examination in  
7 12 the applicable discipline.

7 13 (3) Provide the board with evidence of having completed at  
7 14 least four years of practical experience as an apprentice.  
7 15 Commencing January 1, 2010, the four years of practical  
7 16 experience required by this subparagraph must be an  
7 17 apprenticeship training program registered by the ~~bureau of~~  
~~7 18 apprenticeship and training of the United States department of~~  
7 19 ~~labor office of apprenticeship.~~

7 20 c. Master license. In order to be licensed by the  
7 21 ~~department board~~ as a master, a person shall do all of the  
7 22 following:

7 23 (1) File an application and pay application fees as  
7 24 established by the board, which application shall establish  
7 25 that the person meets the minimum educational and experience  
7 26 requirements adopted by the board.

7 27 (2) Pass the state master licensing examination for the  
7 28 applicable discipline.

7 29 (3) Provide evidence to the ~~examining~~ board that the  
7 30 person has previously been a licensed journeyman or master  
7 31 in the applicable discipline ~~or satisfies all requirements for~~  
~~7 32 licensure as a journeyman in the applicable discipline.~~

7 33 ~~(4) Provide evidence of public liability insurance~~  
~~7 34 pursuant to section 105.19.~~

7 35 d. Contractor license. In order to be licensed by the  
8 1 ~~board as a contractor, a person shall do all of the following:~~

8 2 (1) ~~File an application and pay application fees as~~  
8 3 ~~established by the board, which application shall provide the~~  
8 4 ~~person's state contractor registration number and establish~~  
8 5 ~~that the person meets the minimum requirements adopted by the~~  
8 6 ~~board.~~

8 7 (2) ~~Maintain a permanent place of business.~~

8 8 (3) ~~Hold a master license or employ at least one person~~  
8 9 ~~holding a master license under this chapter.~~

8 10 3. COMBINED LICENSES, RESTRICTED LICENSES.

8 11 a. The ~~department board~~ may issue single or combined  
8 12 licenses to persons who qualify as a contractor, master,  
8 13 journeyman, or apprentice under any of the disciplines.

8 14 b. Special, restricted license. The board may by rule  
8 15 provide for the issuance of special plumbing and mechanical  
8 16 professional licenses authorizing the licensee to engage in a  
8 17 limited class or classes of plumbing or mechanical  
8 18 professional work, which class or classes shall be specified  
8 19 on the license. Each licensee shall have experience,  
8 20 acceptable to the board, in each such limited class of for  
8 21 which the person is licensed.

8 22 4. WAIVER. Notwithstanding section 17A.9A, the board  
8 23 shall through December 31, 2009, waive the written examination  
8 24 requirements ~~set forth in this section and prior experience~~  
8 25 requirements in subsection 2, paragraph "b", subparagraph (3),  
8 26 and subsection 2, paragraph "c", subparagraph (3), for a

8 27 journeyman or master license if the applicant meets either  
8 28 of the following requirements:

8 29 a. The applicant meets both of the following requirements:

8 30 (1) The applicant has previously passed a written  
8 31 examination which the board deems to be substantially similar  
8 32 to the licensing examination otherwise required by the board  
8 33 to obtain the applicable license.

8 34 (2) The applicant has completed at least eight classroom  
8 35 hours of continuing education in courses or seminars approved  
9 1 by the board within the two-year period immediately preceding  
9 2 the date of the applicant's license application.

9 3 b. The applicant can demonstrate to the satisfaction of  
9 4 the board that the applicant has five or more years of  
9 5 experience prior to July 1, 2008, in the plumbing, HVAC,  
9 6 refrigeration, or hydronic business, as applicable, which  
9 7 experience is of a nature that the board deems to be  
9 8 sufficient to demonstrate continuous professional competency  
9 9 consistent with that expected of an individual who passes the  
9 10 applicable licensing examination which the applicant would  
9 11 otherwise be required to pass.

9 12 Sec. 18. Section 105.19, subsections 1 and 3, Code 2009,  
9 13 are amended to read as follows:

9 14 1. An applicant for a ~~master~~ contractor license or renewal  
9 15 of an active ~~master~~ contractor license shall provide evidence  
9 16 of a public liability insurance policy and surety bond in an

9 17 amount determined sufficient by the board by rule.  
9 18 3. The insurance and surety bond shall be written by an  
9 19 entity licensed to do business in this state and each licensed  
9 20 ~~master contractor~~ shall maintain on file with the ~~department~~  
9 21 ~~board~~ a certificate evidencing the insurance providing that  
9 22 the insurance or surety bond shall not be canceled without the  
9 23 entity first giving fifteen days written notice to the  
9 24 ~~department board~~.  
9 25 Sec. 19. Section 105.20, Code 2009, is amended to read as  
9 26 follows:  
9 27 105.20 RENEWAL AND REINSTATEMENT OF LICENSES == FEES AND  
9 28 PENALTIES == CONTINUING EDUCATION.  
9 29 1. ~~A license issued pursuant to this chapter shall be~~  
9 30 ~~issued for a term of two years. Licenses issued by the board~~  
9 31 ~~shall expire in intervals as determined by the board.~~  
9 32 2. A license issued under this chapter may be renewed as  
9 33 provided by rule adopted by the board upon application by the  
9 34 licensee, without examination. Applications for renewal shall  
9 35 be made ~~in writing~~ to the ~~department board~~, accompanied by the  
10 1 required renewal licensing fee, at least thirty days prior to  
10 2 the expiration date of the license.  
10 3 ~~3. A renewal license shall be displayed in connection with~~  
10 4 ~~the original license.~~  
10 5 ~~4. 3. The department board shall notify each licensee by~~  
10 6 ~~mail at least sixty days prior to the expiration of a license.~~  
10 7 ~~5. 4. Failure to renew a license within a reasonable time~~  
10 8 ~~after the expiration of the license shall not invalidate the~~  
10 9 ~~license, but a reasonable penalty may be assessed as adopted~~  
10 10 ~~by rule, in addition to the license renewal fee, to allow~~  
10 11 ~~reinstatement of the license.~~  
10 12 ~~6. A licensee who allows a license to lapse for a period~~  
10 13 ~~of one month or less may reinstate and renew the license~~  
10 14 ~~without examination upon the recommendation of the board and~~  
10 15 ~~upon payment of the applicable renewal and reinstatement fees.~~  
10 16 ~~7. 5. The board shall, by rule, establish a reinstatement~~  
10 17 ~~process for a licensee who allows a license to lapse for a~~  
10 18 ~~period greater than one month, including reasonable penalties.~~  
10 19 ~~8. 6. The board shall establish continuing education~~  
10 20 ~~requirements pursuant to section 272C.2. The basic continuing~~  
10 21 ~~education requirement for renewal of a license shall be the~~  
10 22 ~~completion, during the immediately preceding license term, of~~  
10 23 ~~the number of classroom hours of instruction required by the~~  
10 24 ~~board in courses or seminars which have been approved by the~~  
10 25 ~~board. The board shall require at least eight classroom hours~~  
10 26 ~~of instruction during each two-year licensing term.~~  
10 27 Sec. 20. Section 105.21, Code 2009, is amended to read as  
10 28 follows:  
10 29 105.21 RECIPROCAL LICENSES.  
10 30 The board may license without examination a nonresident  
10 31 applicant who is licensed under plumbing, HVAC, refrigeration,  
10 32 or hydronic professional licensing statutes of another state  
10 33 having similar licensing requirements as those set forth in  
10 34 this chapter and the rules adopted under this chapter if the  
10 35 other state grants the same reciprocal licensing privileges to  
11 1 residents of Iowa who have obtained Iowa plumbing or  
11 2 mechanical professional licenses under this chapter. The  
11 3 ~~department and the~~ board shall adopt the necessary rules, not  
11 4 inconsistent with the law, for carrying out the reciprocal  
11 5 relations with other states which are authorized by this  
11 6 chapter.  
11 7 Sec. 21. Section 105.22, unnumbered paragraph 1, Code  
11 8 2009, is amended to read as follows:  
11 9 A license to practice as a contractor or as a plumbing,  
11 10 HVAC, refrigeration, or hydronic professional may be revoked  
11 11 or suspended, or an application for licensure may be denied  
11 12 pursuant to procedures established pursuant to chapter 272C by  
11 13 the board, or the licensee may be otherwise disciplined in  
11 14 accordance with that chapter, when the licensee commits any of  
11 15 the following acts or offenses:  
11 16 Sec. 22. Section 105.23, Code 2009, is amended to read as  
11 17 follows:  
11 18 105.23 JURISDICTION OF REVOCATION AND SUSPENSION  
11 19 PROCEEDINGS.  
11 20 The board shall have exclusive jurisdiction of all  
11 21 proceedings to revoke or suspend a license issued pursuant to  
11 22 this chapter. The board may initiate proceedings under this  
11 23 chapter or chapter 272C, following procedures set out in  
11 24 section 272C.6, either on its own motion or on the complaint  
11 25 of any person. ~~Before scheduling a hearing, the board may~~  
11 26 ~~request the department to conduct an investigation into the~~  
11 27 ~~charges to be addressed at the board hearing. The department~~

~~11 28 shall report its findings to the board.~~ The board, in  
11 29 connection with a proceeding under this chapter, may issue  
11 30 subpoenas to compel attendance and testimony of witnesses and  
11 31 the disclosure of evidence, and may request the attorney  
11 32 general to bring an action to enforce the subpoena.  
11 33 Sec. 23. Section 105.25, subsections 1, 3, and 4, Code  
11 34 2009, are amended to read as follows:  
11 35 1. Only a person who is duly licensed pursuant to this  
12 1 chapter may advertise the fact that the person is licensed as  
12 2 a contractor or as a plumbing, HVAC, refrigeration, or  
12 3 hydronic professional by the state of Iowa.  
12 4 3. A person who fraudulently claims to be a licensed  
12 5 contractor or a licensed plumbing, HVAC, refrigeration, or  
12 6 hydronic professional pursuant to this chapter, either in  
12 7 writing, cards, signs, circulars, advertisements, or other  
12 8 communications, is guilty of a simple misdemeanor.  
12 9 4. A person who fraudulently lists a contractor or a  
12 10 master plumbing, HVAC, refrigeration, or hydronic license  
12 11 number in connection with that person's advertising or falsely  
12 12 displays a contractor or a master plumbing, HVAC,  
12 13 refrigeration, or hydronic professional license number is  
12 14 guilty of a simple misdemeanor. In order to be entitled to  
12 15 use a license number of a master plumbing, HVAC,  
12 16 refrigeration, or hydronic professional, the master plumbing,  
12 17 HVAC, refrigeration, or hydronic professional must be employed  
12 18 by the person in whose name the business of designing,  
12 19 installing, or repairing plumbing or mechanical systems is  
12 20 being conducted.  
12 21 Sec. 24. Section 105.27, subsection 1, Code 2009, is  
12 22 amended to read as follows:  
12 23 1. In addition to any other penalties provided for in this  
12 24 chapter, the board may, by order, impose a civil penalty, not  
~~12 25 to exceed five thousand dollars per offense,~~ upon a person  
12 26 violating any provision of this chapter. Each day of a  
12 27 continued violation constitutes a separate offense, except  
12 28 that offenses resulting from the same or common facts or  
12 29 circumstances shall be considered a single offense. Before  
12 30 issuing an order under this section, the board shall provide  
12 31 the person written notice and the opportunity to request a  
12 32 hearing on the record. The hearing must be requested within  
12 33 thirty days of the issuance of the notice.  
12 34 Sec. 25. Section 105.28, Code 2009, is amended to read as  
12 35 follows:  
13 1 105.28 ENFORCEMENT.  
13 2 The ~~department board~~ shall enforce the provisions of this  
13 3 chapter ~~and for that purpose may request the department of~~  
~~13 4 inspections and appeals to make necessary investigations.~~  
13 5 Every licensee and member of the board shall furnish the  
13 6 ~~department or the department of inspections and appeals board~~  
13 7 such evidence as the licensee or member may have relative to  
13 8 any alleged violation which is being investigated.  
13 9 Sec. 26. Section 105.29, Code 2009, is amended to read as  
13 10 follows:  
13 11 105.29 REPORT OF VIOLATORS.  
13 12 Every licensee and every member of the board shall report  
13 13 to the ~~department board~~ the name of every person who is  
13 14 practicing as a contractor or as a plumber or mechanical  
13 15 professional without a license issued pursuant to this chapter  
13 16 pursuant to the knowledge or reasonable belief of the person  
13 17 making the report. The opening of an office or place of  
13 18 business for the purpose of providing any services for which a  
13 19 license is required by this chapter, the announcing to the  
13 20 public in any way the intention to provide any such service,  
13 21 the use of any professional designation, or the use of any  
13 22 sign, card, circular, device, vehicle, or advertisement, as a  
13 23 provider of any such services shall be prima facie evidence of  
13 24 engaging in the practice of a contractor or a plumber or  
13 25 mechanical professional.  
13 26 Sec. 27. Section 105.30, Code 2009, is amended to read as  
13 27 follows:  
13 28 105.30 ATTORNEY GENERAL.  
13 29 Upon request of the ~~department board~~, the attorney general  
13 30 shall institute in the name of the state the proper  
13 31 proceedings against any person charged by the department with  
13 32 violating any provision of this chapter.  
13 33 Sec. 28. Section 135.11, subsection 5, Code 2009, is  
13 34 amended by striking the subsection.  
13 35 Sec. 29. Section 272C.1, subsection 6, paragraph ae, Code  
14 1 2009, is amended to read as follows:  
14 2 ae. The plumbing and mechanical systems ~~examining~~ board,  
14 3 created pursuant to chapter 105.

14 4 Sec. 30. Sections 105.6, 105.7, and 105.8, Code 2009, are  
14 5 repealed.  
14 6 Sec. 31. APPLICABILITY == PRIOR ACTIONS VOID. Sections  
14 7 105.22 through 105.30, Code 2009, as amended by this Act,  
14 8 shall be applicable only on and after July 1, 2009, and any  
14 9 actions taken under those sections prior to July 1, 2009,  
14 10 shall be void.

14 11 EXPLANATION  
14 12 This bill contains several revisions to the 2007  
14 13 legislation providing for the licensing and regulation of  
14 14 plumbers and mechanical professionals. The word "examiner" is  
14 15 removed from the name of the plumbing and mechanical systems  
14 16 examining board to be consistent with the department of public  
14 17 health's 19 other licensure boards.

14 18 Many of the changes are technical or administrative in  
14 19 nature and several represent changes in the licensing law  
14 20 itself:

14 21 1. The bill gives the board authority to adopt and enforce  
14 22 the state plumbing code, currently under the jurisdiction of  
14 23 the department.  
14 24 2. The bill requires that a contractor be licensed.  
14 25 3. The bill specifies that the board cannot impose a civil  
14 26 penalty exceeding \$5,000 per offense.  
14 27 4. The bill delays the applicability enforcement  
14 28 provisions of the licensing law until July 1, 2009.

14 29 Other administrative changes include revising Code language  
14 30 relating to examinations; Code section 105.5, relating to  
14 31 application is revised and Code sections 105.6, 105.7, and  
14 32 105.8 are repealed. These provisions currently provide detail  
14 33 to the examination process. Under the bill, the board will  
14 34 provide detail to this process in rule. Other changes relate  
14 35 to license renewal and continuing education.

15 1 Existing language in Code section 105.11 allows owners or  
15 2 operators of certain health care facilities and institutions  
15 3 to perform work within their buildings; the bill specifies  
15 4 that such work relates to routine maintenance and moves this  
15 5 language into its own subsection.  
15 6 The bill postpones the applicability of Code sections  
15 7 105.22 through 105.30 until July 1, 2009. These Code sections  
15 8 relate to the imposition of licensee discipline and the  
15 9 general enforcement of Code chapter 105.

15 10 LSB 1147DP 83  
15 11 jr/rj/14.1